

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 70 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RK BIYANI

Versus

INDUMATIBEN MANUBHAI SHAH DECD.THRO'HEIRS AND L.R.

Appearance:

MR SANDIP C SHAH for Petitioner
MR MAYANK BUCH for SINGHI & BUCH ASSO. for
Respondent No. 1
Respondent no.2 permitted to be deleted.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 19/02/97

ORAL JUDGEMENT

Leave to delete respondent no.2

2. Rule. Service of rule waived by Mr. Mayank Buch
learned advocate for the respondents nos. 1, 1/1 to 1/4.

3. After some amount of submissions the petitioner,

who is present in the Court prays for granting time to vacate the suit premises upto 30/9/1997. Both the parties have worked out the outstanding amount of arrears of mesne profits and the petitioner is now required to pay Rs. 22,500/-, for which also he seeks time upto 21/3/1997. He finally agrees to pay all the outstanding taxes, if not paid, upto 30/9/1997. He finally agrees that he will not transfer or assign in any manner the suit premises to any one and vacate the suit premises on or before 30/9/1997.

4. The learned advocate for the respondents on instructions from his clients consents for time being granted as prayed for by the petitioner. Hence, following directions are issued :-

The petitioner is granted time to vacate the suit premises upto 30/9/1997 on his filing usual undertaking inter-alia stating therein that he will pay to the respondents or deposit in the trial Court a sum of Rs. 22,500/- (covering mesne profits upto 30/9/1997) on or before 21/3/1997, that he will not transfer or assign the suit premises to any one and will hand-over the peaceful and vacant possession of the suit premises to the respondents or any of them on or before 30/9/1997 and that he will pay municipal taxes outstanding, if any, upto 30/9/1997. Such undertaking shall be filed on or before 28/2/1997. Upon filing of such an undertaking, the time to vacate the suit premises is granted upto 30/9/1997. The demand drafts which have been taken out and produced by or on behalf of the petitioner in the record and proceedings of the suit shall be returned to the petitioner. In case any demand drafts have been produced by the respondents-plaintiffs in the record and proceedings of the suit, such demand drafts, if taken out by the petitioner shall also be returned to the petitioner.

Rule made partly absolute in the aforesaid terms.

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